THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No. 12466 of 2005

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in not releasing pending document dated 18.03.2005 executed by the petitioners as illegal and arbitrary and consequently seeking a direction to the third respondent to release the same

The grievance of the petitioners is that the Special Officer & Competent Authority, Urban Land Ceilings-the first respondent through his order dated 07-03-2005 directed the Joint Sub-Registrar-third respondent not to accept any further registration in respect of the land in Sy.No.27 to an extent of 5252 Sq.mtrs., situated at Laxmipur village.

The learned counsel for the petitioners contended that since the Urban Land Ceiling authority has no authority to direct the Joint Sub-Registrar not to register or entertain any registration of the land, he prayed to issue necessary directions in this regard.

The learned counsel for the proposed respondents and the learned Government Pleader for Revenue submit that under Sections 5 and 27 of the Urban Land and Ceiling and Regulation Act, 1976 (for short “the Act”), excess vacant land cannot be transferred, and prayed to dismiss the writ petition.

No doubt, the first respondent has no authority under law to direct the third respondent not to accept or entertain any registration in respect of 5252 Sq.mtrs., of land in Sy.No.27. When the petitioners themselves declare that they are surplus landholders in respect of an area of 1882 Sq.mtrs in Sy.No.27 and in the order dated 04.02.1982, the first petitioner was allowed to retain 2000 Sq.mtrs of land and he was declared as surplus landholder of 3390 Sq.mtrs, if any transfer is made, that would be contrary to the Act and the same is void. Though the order dated 07-03-2005 of the first respondent is liable to be set-aside on the ground that the authority who issued that order has no such power, but the petitioners have not come to this

Court with clean hands and they have suppressed the material facts, by setting aside an illegal order, a further illegality cannot be committed by granting orders in their favour. Therefore, the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed.

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19.09.2005

kdl